

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

Re: Docket Nos. 614, 621, 664

**THE AD HOC NOTEHOLDER GROUP’S MOTION FOR LEAVE TO FILE LATE REPLY
IN SUPPORT OF MOTION OF THE AD HOC NOTEHOLDER GROUP FOR AN ORDER
PURSUANT TO BANKRUPTCY RULE 2004 AND LOCAL BANKRUPTCY RULE 2004-1
DIRECTING THE PRODUCTION OF DOCUMENTS BY THE FORIS LENDERS**

The Ad Hoc Group of Holders 1.50% Convertible Senior Notes due 2026 (the “Ad Hoc Group”) hereby moves the Court (this “Motion”) for leave to file a late reply (the “Reply”), attached hereto as **Exhibit A**, in support of the *Motion of the Ad Hoc Noteholder Group for an Order Pursuant to Bankruptcy Rule 2004 and Local Bankruptcy Rule 2004-1 Directing the Production of Documents by the Foris Lenders* [Docket No. 614] (the “2004 Motion”). In support of this Motion, the Ad Hoc Group respectfully states as follows:

JURISDICTION

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The Ad Hoc Group consents to the entry of a final order by the Court in connection with this Motion.

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://cases.stretto.com/amyris>. The location of Debtor Amyris Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

BACKGROUND

3. On October 24, 2023, the Ad Hoc Group filed the 2004 Motion. Also on October 24, 2023, the Ad Hoc Group filed *The Ad Hoc Noteholder Group's Motion for an Order Shortening the Notice Period for its Rule 2004 Motion Directing the Production of Documents by the Foris Lenders* [Docket No. 615].

4. On October 26, 2023, the Court entered the *Order Denying Ad Hoc Noteholder Group's Motion for an Order Shortening the Notice Period for its Rule 2004 Motion Directing the Production of Documents by the Foris Lenders* [Docket No. 621] (the "Scheduling Order"). Pursuant to the Scheduling Order, the deadline to object to the 2004 Motion was November 2, 2023 at 12:00 p.m. (ET) (the "Objection Deadline") and a related hearing is scheduled for November 6, 2023 at 10:00 a.m. (ET) (the "Hearing").

5. Foris Ventures, LLC, Anesma Group, LLC, Anjo Ventures, LLC, and Muirisc, LLC (together, the "Foris Lenders") filed an objection to the 2004 Motion on November 2, 2023 [Docket No. 664] (the "Objection").

6. Pursuant to the Rule 9006-1(d) of the *Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware* (the "Local Rules"), the deadline to file a reply was November 1, 2023 at 4:00 p.m. (ET).

RELIEF REQUESTED

7. The Ad Hoc Group respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit B**, granting the Ad Hoc Group leave to file the Reply and deeming the Reply timely filed.

BASIS FOR RELIEF REQUESTED

8. Pursuant to Local Rule 9006-1(d), “[r]epley papers . . . may be filed by 4:00 p.m. prevailing Eastern Time the day prior to the deadline for filing the agenda.” *See* Del. Bankr. L.R. 9006-1(d). Local Rule 9029-3(a) requires that agendas be filed by 12:00 p.m. (ET) two business days prior to the hearing. *See* Del. Bankr. L.R. 9029-3(a).

9. Based on Local Rules 9006-1(d) and 9029-3(a), any reply related to motions set for the Hearing was due November 1, 2023 at 4:00 p.m. (ET) (the “Reply Deadline”). The Reply Deadline set by the Local Rules was prior to the Objection Deadline set by the Court [Docket No. 621].

10. Because the Ad Hoc Group could not file the Reply before the 2004 Motion was opposed, the Ad Hoc Group is unable to timely file the Reply absent leave of the Court.

11. Cause exists to grant the relief requested by this Motion and approve an extension of the time by which to file the Reply under Local Rule 9006-1(d). First, under the Local Rules and the Court’s Scheduling Order, the Reply Deadline was one day *before* the Objection Deadline. The Ad Hoc Group was thus unable to timely prepare and file the Reply. Second, the Reply will provide the Court with substantive information and arguments for consideration in connection with the Hearing, and the Court’s consideration of the Reply may narrow argument on these matters at the Hearing. Under these circumstances, ample cause exists to grant the Ad Hoc Group leave to file the Reply today, November 3, 2023. Further, extending the Reply Deadline will not prejudice any party, as parties in interest will have sufficient time to review the Reply in advance of the Hearing.

NOTICE

12. Notice of this Motion will be given to the following parties or their counsel: (i) the

Debtors; (ii) the Committee; (iii) the Office of the United States Trustee; (iv) the Foris Lenders; and (v) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Ad Hoc Group submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Ad Hoc Group respectfully requests entry of an order in the form attached hereto as **Exhibit B**, granting the Ad Hoc Group leave to file the Reply and such other and further relief as the Court deems just, proper and necessary.

Dated: November 3, 2023
Wilmington, Delaware

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